

PROTECTION OF ATHLETES WITH HEAD INJURIES ACT

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies Title 26, Chapter 53, Protection of Athletes with Head Injuries Act, by amending the responsibilities of an amateur sports organization or its agent.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ requires that each agent of an amateur sports organization be aware of the organization's concussion and head injury policy;
- ▶ requires that an amateur sports organization or its agent immediately remove a child from participating in a sporting event if the organization or agent knows or should have known the child sustained a concussion or traumatic head injury; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-53-102, as enacted by Laws of Utah 2011, Chapter 97

26-53-201, as enacted by Laws of Utah 2011, Chapter 97

26-53-301, as enacted by Laws of Utah 2011, Chapter 97

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-53-102** is amended to read:

26-53-102. Definitions.

As used in this chapter:

- (1) "Agent" means a coach, teacher, employee, representative, or volunteer.

(2) (a) "Amateur sports organization" means, except as provided in Subsection (2)(b):

- (i) a sports team;
- (ii) a public or private school;
- (iii) a public or private sports league;
- (iv) a public or private sports camp; or
- (v) any other public or private organization that organizes, ~~operates,~~ manages, or sponsors a sporting event for its members, enrollees, or attendees.

(b) "Amateur sports organization" does not include a professional:

- (i) team;
- (ii) league; or
- (iii) sporting event.

(3) "Child" means an individual who is under the age of 18.

(4) "Qualified health care provider" means a health care provider who:

- (a) is licensed under Title 58, Occupations and Professions; and
- (b) may evaluate and manage a concussion within the health care provider's scope of practice.

(5) (a) "Sporting event" means any of the following athletic activities that is organized, ~~operated,~~ managed, or sponsored by an organization:

- (i) a game;
- (ii) a practice;
- (iii) a sports camp;
- (iv) a physical education class;
- (v) a competition; or
- (vi) a tryout.

(b) "Sporting event" does not include:

- (i) the issuance of a lift ticket or pass by a ski resort, the use of the ticket or pass, or a ski or snowboarding class or school at a ski resort, unless the skiing or snowboarding is part of a camp, team, or competition that is organized, managed, or sponsored by the ski resort[-];
- (ii) as applied to a government entity, merely making available a field, facility, or other location owned, leased, or controlled by the government entity to an amateur sports organization or a child, regardless of whether the government entity charges a fee for the use;

64 or

65 (iii) free play or recess taking place during school hours.

66 (6) "Traumatic head injury" means an injury to the head arising from blunt trauma, an
67 acceleration force, or a deceleration force, with one of the following observed or self-reported
68 conditions attributable to the injury:

69 (a) transient confusion, disorientation, or impaired consciousness;

70 (b) dysfunction of memory;

71 (c) loss of consciousness; or

72 (d) signs of other neurological or neuropsychological dysfunction, including:

73 (i) seizures;

74 (ii) irritability;

75 (iii) lethargy;

76 (iv) vomiting;

77 (v) headache;

78 (vi) dizziness; or

79 (vii) fatigue.

80 Section 2. Section **26-53-201** is amended to read:

81 **26-53-201. Adoption and enforcement of concussion and head injury policy --**

82 **Notice of policy to parent or guardian.**

83 Each amateur sports organization shall:

84 (1) adopt and enforce a concussion and head injury policy that:

85 (a) is consistent with the requirements of Section 26-53-301; and

86 (b) describes the nature and risk of:

87 (i) a concussion or a traumatic head injury; and

88 (ii) continuing to participate in a sporting event after sustaining a concussion or a
89 traumatic head injury;

90 (2) ensure that each agent of the amateur sports organization is [~~familiar with~~] aware
91 of, and has a copy of, the concussion and head injury policy; and

92 (3) before permitting a child to participate in a sporting event of the amateur sports
93 organization:

94 (a) provide a written copy of the concussion and head injury policy to a parent or legal

95 guardian of a child; and

96 (b) obtain the signature of a parent or legal guardian of the child, acknowledging that
97 the parent or legal guardian has read, understands, and agrees to abide by, the concussion and
98 head injury policy.

99 Section 3. Section **26-53-301** is amended to read:

100 **26-53-301. Removal of child suspected of sustaining concussion or a traumatic**
101 **head injury -- Medical clearance required before return to participation.**

102 (1) An amateur sports organization, and each agent of the amateur sports organization,
103 shall:

104 (a) immediately remove a child from participating in a sporting event of the amateur
105 sports organization if [~~the child is suspected of sustaining~~] the organization or agent knows or
106 should have known the child sustained a concussion or a traumatic head injury; and

107 (b) prohibit the child described in Subsection (1)(a) from participating in a sporting
108 event of the amateur sports organization until the child:

109 (i) is evaluated by a qualified health care provider who is trained in the evaluation and
110 management of a concussion; and

111 (ii) provides the amateur sports organization with a written statement from the
112 qualified health care provider described in Subsection (1)(b)(i) stating that:

113 (A) the qualified health care provider has, within three years before the day on which
114 the written statement is made, successfully completed a continuing education course in the
115 evaluation and management of a concussion; and

116 (B) the child is cleared to resume participation in the sporting event of the amateur
117 sports organization.

118 (2) This section does not create a new cause of action.